

DECLARATION OF JOHN P. NICASTRO, SR.

I, John Nicastro, Sr., hereby declare:

1. I have over 30 years of experience in the gaming industry in various technical and managerial positions. My experience includes design, development, and production of both wagering and non-wagering entertainment games including video gaming machines. In the early 1980's I was general manager of the Williams Electronics Gaming Machine division. Later, I helped to build and became General Manager of Universal Distributing of Nevada, which replaced Bally Manufacturing as the largest slot machine manufacturer in the United States within three years. Universal Distributing was responsible for developing the first successful stepper slot machine. Later, came back as Senior Vice President of WMS Gaming in charge of their gaming machine division and was part of the team that helped to reintroduce the company to the gaming industry. Currently, I am President of Signature Games, Inc. which has spearheaded the development and sale of such commercially successful games such as Pac-Man®, I Dream of Jeannie®, and The Game of Life® to the gaming industry.

2. I have been named as inventor on several patents:

U.S. Patent No. 6,554, 724, "Maze-based Game For a Gaming Machine", dated April 29, 2003,

U.S. Patent No. 5,415,404, "Multi-Pay Video Poker Machine", dated May 16, 1995, and

U.S. Publication No. 2003/0027619, "Gaming Device With a Skill-based Bonus Game", dated February 6, 2003.

3. I am currently President of Signature Games, Inc. and am responsible for overseeing the development and commercialization of new game concepts for both wagering and non-wagering gaming devices. Signature Games has developed and sold its gaming concepts to gaming manufacturers such as International Game Technology, Inc., Bally Gaming, Sigma Game, Inc., and WMS Gaming, Inc.

4. The claimed invention in the application is a gaming machine that has two different sets of thematic game artwork that can be alternately displayed to the player. Further, if desired, the theme of the game artwork may be changed out at a predetermined time to coincide and correspond to a special event such as a holiday, a societal event, or a promotional event.

5. In about July 2003, WMS Gaming presented me with a PowerPoint slide presentation of their Roll Credits® slot machine. The Roll Credits® slot machine has a bonus game with a first set of critics critiquing a first movie. The Roll Credits® bonus game may alternate bonus game displays and, at some later date, display a second set of critics critiquing a second movie. The PowerPoint presentation also included a second embodiment of the Roll Credits® bonus game with the game artwork themed to a winter holiday.

6. Gaming machines, and particularly video gaming machines, have long offered games that are themed to specific subject matter. Gaming machines chiefly implement the selected theme using visual elements that are presented to the player on the game display. For example, a game theme may relate to fishing such as WMS's Reel 'Em In® video slot machine game. The visual elements displayed to the player are keyed to this fishing theme. For example, the visual elements (which often include reel symbols) may

include fish, fishing rod and reel, boats, etc. These visual elements, taken together, create the game theme and comprise the thematic game artwork.

7. Although video slot machine games have long had game artwork associated with a theme, to the best to my knowledge, no gaming machine has offered the capability to change its thematic game artwork, either randomly or at a predetermined time.

8. I believe the capability to change the thematic game artwork of the game, either randomly or at a predetermined time, offers several significant advantages for both the casino and its slot players. Alternating the thematic game artwork keeps the game fresh and appealing to players who, although they enjoy the game, tire of the same old visual images. In my opinion, the capability to offer a gaming machine that provides variations in thematic game artwork offers players a more entertaining product.

9. Although video slot machine games have long been themed, to the best to my knowledge, no game has offered the capability to change the theme of its game artwork to correspond and coincide with the occurrence of a special event (such as holidays, societal events, or promotional events).

10. In my opinion, changing game artwork at a predetermined time to a theme that corresponds with a special event is a significant commercial advancement in gaming machine technology. Altering game themes automatically to coincide and coordinate with holiday seasons, societal events, or other promotional activities will appeal to players because of the players' timely association with these events. The ability to change the game theme to match the event allows players to participate with the spirit of the event. I believe many players will prefer, and choose to play, a gaming machine that offers this feature during special events over those gaming machines that cannot offer this feature.

11. The capability to alternate thematic game artwork offers a creative solution that fills a market niche that, until now, has been ignored by other slot products.

12. In my opinion, the invention represents a non-obvious improvement over prior slot machines. In addition, despite my many years of experience in the gaming industry, when this concept was first disclosed to me, I was immediately struck by its novel and elegance solution to a problem that has long plagued the gaming industry; namely, a method of rejuvenating well played games. Players after a period of time lose interest in a game, which results in declining revenues, eventually forcing the game from the game floor. Now it is possible to provide the appearance of a new game without actually requiring its replacement. The use of alternating thematic game artwork will most likely lengthen the commercial life of the gaming machine, allowing gaming machines with this feature to be replaced at much longer intervals. This provides significant cost savings to a gaming establishment where gaming machines may be replaced as quickly as six months after their introduction.

13. I have reviewed the following document: US Patent No. 6,254,483 to Acres.

14. I understand that the claimed invention has been rejected as being obvious over Acres.

15. In my opinion, the invention represents a non-obvious improvement over prior gaming machines and over Acres.

16. Acres mentions changing the configuration parameters to influence the game appearance in the context of changing "background color, and card decoration, which may be configured to display the casino's logo." (Acres, column 1, lines 62-64).

Although the changes described in Acres do affect game appearance, these changes do

not constitute, create, or alter a theme. A theme requires a variety of different visual elements all related to common subject matter. Changing the color or card decoration does not provide a variety of different visual elements with common subject matter to create a theme. Consequently, Acres does **not** teach altering the thematic game appearance or altering game artwork having a theme. Further, Acres does not mention or teach coordinating a theme with a special event.

17. It would not have been obvious to one skilled in the gaming arts to modify Acres to include changing the thematic game artwork or to modify the game artwork to coordinate the theme with a special event. Although Acres states, "it is to be appreciated that multiple variables may be monitored and multiple configuration parameters may be changed in response to the monitored variables." (Acres, col. 8, lines 63-65), I firmly believe that such vague direction would not be sufficient to suggest or lead one skilled in the art to consider coordinating the theme of the game artwork with a special event.

18. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

By:


John P. Nicastro, Sr.

Title: President
Signature Games, Inc.

8/5/2003